

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SHORT-TERM LETS LICENSING POLICY HEARING PROCEDURE

1.0 EXECUTIVE SUMMARY

1.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the 2022 Order”) was approved by the Scottish Parliament on 19 January 2022 and came into effect on 1 March 2022. Hosts who offer accommodation for use as short-term lets (“STL”) now require to apply to the local authority for a licence. The 2022 Order establishes a licensing scheme that aims to ensure that short-term lets are safe and addresses issues faced by neighbours, as well as to assist with handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities across Argyll and Bute.

1.2 The Committee at its meeting on 28 June 2023 considered two applications for grant of a short-term lets licence. The hearing procedure as set out in an Appendix attached to the Council’s Short-term Lets Policy was followed by the Committee. The two applications were granted, with additional conditions attached to each short-term lets licence.

1.3 This report to Committee is in respect of the Council’s Legal Services proposed revisals to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

1.4 RECOMMENDATIONS

Members of Planning, Protective Services and Licensing Committee are invited to:

- a) Consider the content of the report; and
- b) Recommend to the Council approval of the proposed revisals to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

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2.0 INTRODUCTION

- 2.1 The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the 2022 Order”) was approved by the Scottish Parliament on 19 January 2022 and came into effect on 1 March 2022. Hosts who offer accommodation for use as short-term lets (“STL”) now require to apply to the local authority for a licence. The 2022 Order establishes a licensing scheme that aims to ensure that short-term lets are safe and addresses issues faced by neighbours, as well as to assist with handling complaints effectively. It also aims to balance the economic and tourism benefits from short-term lets with the needs and concerns of local communities across Argyll and Bute.
- 2.2 The Committee at its meeting on 28 June 2023 considered two applications for grant of a short-term lets licence. The hearing procedure as set out in an Appendix attached to the Council’s Short-term Lets Policy was followed by the Committee. The two applications were granted, with additional conditions attached to each Short-term Lets licence.

3.0 RECOMMENDATIONS

- 3.1 Members of Planning, Protective Services and Licensing Committee are invited to:
- a) Consider the content of this report; and
 - b) Recommend to Council approval of the proposed revisions to Argyll and Bute Council’s Short-term Lets Policy Hearing Procedure.

4.0 DETAIL

- 4.1 The Committee at its meeting on 28 June 2023 considered two short-term let applications for grant of a Short-term Lets licence. At each of the meetings, Members followed the existing hearing procedure for short-term lets which contained a provision that would allow the Committee to retire to consider representations/objections in private, at the sole discretion of Members.
- 4.2 The first application was in respect of a property situated in the Oban area, and the second application relating to a property situated in the Isle of Bute area. The applications were granted, with additional conditions attached to each licence. The short-term let licence granted to the Oban applicant included an additional condition limiting the use of the hot tub to the hours of 11am – 8pm. The short term let licence granted to the applicant from Isle Of Bute was subject to the additional conditions in respect of Anti-Social Behaviour, Littering and Disposal and Noise Control in Flatted Premises.
- 4.3 Following the Committee meeting on 28 June 2023, the Council's Legal Services reviewed Argyll and Bute Council's Short-term Lets Policy Hearing Procedure, and made some revisals to reflect that hearings relating to short-term let licensing will be conducted in public (**Appendix 1**), in line with the approach that is followed in regard to Planning and Civic Government Applications.

5.0 CONCLUSION

- 5.1 Given the need to maintain a fair open and transparent process, the short-term lets hearing procedure has been revised to reflect that deliberations of the PPSL, in hearings relating to short term Lets licensing, will be conducted in pubic as an inherent part of the process maintaining a consistent approach to that followed in regard to Planning and Civic Government Applications.

6.0 IMPLICATIONS

- 6.1 Policy – If recommendations of this report are approved, STL hearing procedure will follow Civic Government applications.
- 6.2 Financial – None at present
- 6.3 Legal – The recommendations in this report have taken due consideration of

the Council's statutory role, duties and powers under the Civic Government (Scotland) Act 1982.

- 6.4 HR - None at present
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics – None at present
 - 6.5.2 Socio-economic Duty – None at present
 - 6.5.3 Islands – None at present
- 6.6 Climate Change – None at present
- 6.7 Risk – None at present
- 6.8 Customer Service – None at present

Douglas Hendry

Executive Director with responsibility for Legal and Regulatory Support

4 August 2023

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APPENDICES

Appendix 1 Argyll and Bute Council's Revised Short Term Lets Hearing Procedure

APPENDIX 1

SHORT TERM LET LICENSING PROCEDURE FOR HEARINGS

Applications will be heard in public unless required to be taken privately on the grounds of disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

1. The Chair will welcome, introduce everyone, outline the procedure and receive confirmation that both the Applicant and objector(s) accept the hearing procedure. If the representations/objection(s) were submitted timeously and there are no spent convictions to be considered, then proceed directly to number 4.
2. If the representation/objection (from the Police or any other party) has been received late the Committee must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that, then the representation/objection can be heard, otherwise it should be disregarded. The process to be followed should be that the objector is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Committee must take all comments into account when deciding whether to accept the late submission.
3. If spent convictions are to be referred to then the guidance notes for spent convictions should be followed for each conviction. The Committee should resolve to go into private whilst considering spent convictions.
4. The hearing procedure below should now be followed:

a	The Licensing Officer will present the report to the Committee
b	The applicant or Agent, will be given the opportunity to speak in support of their application.
c	Any objector, or Agents, will have the opportunity to question the Applicant or Agent on matters related only to their presentation.
d	Objectors, or their Agents, will have the opportunity to speak in support of their objection.
e	The Applicant, or Agent, will have the opportunity to question any Objector, or Agent, on matters related only to their presentation.
f	The Committee Members, through the Chair may ask questions of the Applicant or Objector or their Agents for clarification.
g	The Chair will invite the Objector, or Agent to briefly summarise their points if they wish.
h	The Chair will invite the Applicant, or Agent to briefly summarise their points if they wish.

i	The Chair will confirm that everyone has had a fair hearing.
j	The Committee will debate and determine the application in the presence of Applicant/Objector.

DECISION

A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing within 7 days of the hearing and shall be advised of his/her right to seek written reasons and appeal to the Sheriff Court.

If the decision of the Committee is to suspend, refuse or refuse to suspend a licence, a relevant person has a right to request within 28 days of the meeting, the Committee's reasons for arriving at their decision. Unless the circumstances of the case justify immediate suspension, the suspension shall not take effect for 28 days from the date of the decision.

Appeals against the decision of the Committee must be lodged with the Sheriff Clerk within 28 days of the date of the decision.